

Remarks

Reconsideration of this Application is respectfully requested.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

I. Obviousness-type Double Patenting

A. Claims 26-30, 33-36, 40, 42-44, 51-62, 66, 68 and 75-77

At page 2 of the Office Action, claims 26-30, 33-36, 40, 42-44, 51-62, 66, 68 and 75-77 have been rejected under the judicially created doctrine of obviousness type double-patenting as being unpatentable over claims 12, 14, 26, 28, 40, 42, 54, 56, 66, 68, 78, 80, 90, 92, 102, 104, 116, 118, 130, 132, 144, 146, 158, 160, 170, 172, 182, 184, 194, 196, 209, 211, 212, 214, 215, 217, 218 and 220 of U.S. Patent No. 7,060,272 (hereinafter "the '272 patent"). Applicants respectfully traverse this rejection. However, solely to advance prosecution, and not in acquiescence to the Examiner's rejection, Applicants submit herewith a Terminal Disclaimer under 37 C.F.R. § 1.321(c) over the '272 patent. Accordingly, this rejection has been overcome. Thus, Applicants respectfully request that the rejection be withdrawn.

B. Claims 37-41 and 63-67

At page 2 of the Office Action, claims 37-41 and 63-67 have been rejected under the judicially created doctrine of obviousness type double-patenting as being unpatentable over claims 12, 14, 26, 28, 40, 42, 54, 56, 66, 68, 78, 80, 90, 92, 102, 104, 116, 118, 130, 132, 144, 146, 158, 160, 170, 172, 182, 184, 194, 196, 209, 211, 212, 214, 215, 217, 218 and 220 of the '272 patent in view of U.S. Patent No. 6,025,158

(hereinafter "the '158 patent"). Applicants respectfully traverse this rejection. However, solely to advance prosecution, and not in acquiescence to the Examiner's rejection, Applicants submit herewith a Terminal Disclaimer under 37 C.F.R. § 1.321(c) over the '272 patent. Accordingly, this rejection has been overcome. Thus, Applicants respectfully request that the rejection be withdrawn.

C. Claims 49 and 73

At page 3 of the Office Action, claims 49 and 73 have been rejected under the judicially created doctrine of obviousness type double-patenting as being unpatentable over claims 12, 14, 26, 28, 40, 42, 54, 56, 66, 68, 78, 80, 90, 92, 102, 104, 116, 118, 130, 132, 144, 146, 158, 160, 170, 172, 182, 184, 194, 196, 209, 211, 212, 214, 215, 217, 218 and 220 of the '272 patent in view of Base *et al.* (hereinafter "Base"). Applicants respectfully traverse this rejection. However, solely to advance prosecution, and not in acquiescence to the Examiner's rejection, Applicants submit herewith a Terminal Disclaimer under 37 C.F.R. § 1.321(c) over the '272 patent. Accordingly, this rejection has been overcome. Thus, Applicants respectfully request that the rejection be withdrawn.

D. Claims 26-30, 33-44, 49, 51-68, 73 and 75-77

At page 3 of the Office Action, claims 26-30, 33-44, 49, 51-68, 73 and 75-77 have been rejected under the judicially created doctrine of obviousness type double-patenting as being unpatentable over claims 1-146 of U.S. Patent No. 6,461,823 (hereinafter "the '823 patent") in view of Base, the '158 patent and U.S. Patent No.

5,763,223 (hereinafter "the '223 patent"). Applicants respectfully traverse this rejection. However, solely to advance prosecution, and not in acquiescence to the Examiner's rejection, Applicants submit herewith a Terminal Disclaimer under 37 C.F.R. § 1.321(c) over the '823 patent. Accordingly, this rejection has been overcome. Thus, Applicants respectfully request that the rejection be withdrawn.

E. Claims 26-30, 33-44, 49, 51-68, 73 and 75-77

At page 5 of the Office Action, claims 26-30, 33-44, 49, 51-68, 73 and 75-77 have been rejected under the judicially created doctrine of obviousness type double-patenting as being unpatentable over claims 1-146 of U.S. Patent No. 6,943,020 (hereinafter "the '020 patent") in view of Base, the '158 patent and the '223 patent. As an initial note, Applicants respectfully point out that the '020 patent has only 52 claims. Thus, Applicants are under the assumption that "claims 1-146 of U.S. Patent No. 6,943,020" is a typographical error and the Examiner is referring to "claims 1-52 of U.S. Patent No. 6,943,020." If Applicants assumption is incorrect, please advise Applicants in next communication.

Applicants respectfully traverse this rejection. However, solely to advance prosecution, and not in acquiescence to the Examiner's rejection, Applicants submit herewith a Terminal Disclaimer under 37 C.F.R. § 1.321(c) over the '020 patent. Accordingly, this rejection has been overcome. Thus, Applicants respectfully request that the rejection be withdrawn.

II. Other Matters

Applicants would like to remind the Examiner that in accordance with 37 C.F.R. § 1.141(a), Applicants have reserved the right to claim additional species, and/or to have additional species searched and/or examined, in the event that a generic claim is found to be allowable.

III. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Shannon A. Carroll, Ph.D.
Attorney for Applicants
Registration No. 58,240

Date: October 27, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

707221_1.DOC